

Senate Joint Resolution No. 4

RESOLUTION CHAPTER 94

Senate Joint Resolution No. 4—Relative to public employees' retirement.

[Filed with Secretary of State July 26, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 4, Soto. Public employees' retirement: Social Security.

This measure would memorialize the President and Congress of the United States to enact legislation to eliminate the government pension offset and the windfall elimination provision of the Social Security Act.

WHEREAS, Under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in their Social Security benefits; and

WHEREAS, These laws, contained in the federal Social Security Act and known as the government pension offset (42 U.S.C. Sec. 402(b)(4)(A)) and the windfall elimination provision (42 U.S.C. Sec. 415(a)(7)) greatly affect lower income public employees, particularly women; and

WHEREAS, Under the windfall elimination provision, Social Security benefits are significantly reduced through an alternative calculation for individuals who qualify for both a Social Security benefit based on their own covered employment and a government pension based on noncovered employment; and

WHEREAS, Under the government pension offset, the spousal or survivor benefit that would be based upon a spouse's Social Security covered employment can be eliminated, even though contributions are made by the individual and matched by the employer, if the survivor also qualifies for a government pension based upon work not covered by Social Security; and

WHEREAS, Other participants in Social Security do not have their benefits reduced in this manner; and

WHEREAS, To participate or not to participate in Social Security in public sector employment was a decision of the employer even though the government pension offset and the windfall elimination provision directly punishes the employee and surviving beneficiary; and

WHEREAS, Although the government pension offset was enacted in 1977 and the windfall elimination provision was enacted in 1983, most



people do not become aware of the reduction in their Social Security benefits until the time they expect to begin receiving the benefits; and

WHEREAS, Several bills have been introduced over time in Congress in both the House of Representatives and the Senate that would modify the government pension offset and windfall elimination provision; and

WHEREAS, Each of those pieces of legislation would have limited the application of the government pension offset and windfall elimination provision; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President and the Congress of the United States to enact legislation to eliminate the government pension offset (42 U.S.C. Sec. 402(b)(4)(A)) and the windfall elimination provision (42 U.S.C. Sec. 415(a)(7)) of the Social Security Act; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

